

DID# 0101992001

July 12, 2002

VIA AIRBORNE EXPRESS

205853

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
Mercury Building
1925 K Street, N.W.
Washington, D.C. 20423

FEE RECEIVED

JUL 15 2002

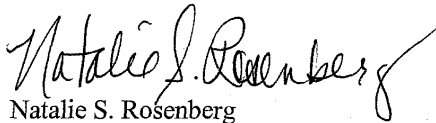
**SURFACE
TRANSPORTATION BOARD**

**RE: Docket No. AB-55 (Sub-No. 621X)
CSX Transportation, Inc. – Abandonment
Marion County, Indiana**

Dear Mr. Williams:

Enclosed for filing are the original and ten copies of CSX Transportation, Inc.'s Notice of Exemption in the above-captioned proceeding. A check in the amount of \$2,700.00 to cover the filing fee is also enclosed. I would appreciate your acknowledgement of receipt of these documents by stamping the extra enclosed copy of this letter and returning it to me in the enclosed self-addressed stamped envelope.

Very truly yours,


Natalie S. Rosenberg

NSB/lcf

Enclosures

**ENTERED
Office of Proceedings**

JUL 16 2002

**Part of
Public Record**

FILED

JUL 15 2002

**SURFACE
TRANSPORTATION BOARD**

bcc: A.C. Arthur (via e-mail)
H.S. Emerick (via e-mail)
B.J. League
Heidi V. Bash

BEFORE THE
SURFACE TRANSPORTATION BOARD



DOCKET NO. AB-55 (SUB-NO. 621X)

FILED

JUL 15 2002

CSX TRANSPORTATION, INC.
ABANDONMENT IN MARION COUNTY, INDIANA

SURFACE
TRANSPORTATION BOARD

NOTICE OF EXEMPTION

FEE RECEIVED

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ENTERED
Office of Proceedings

SURFACE
TRANSPORTATION BOARD

JUL 16 2002

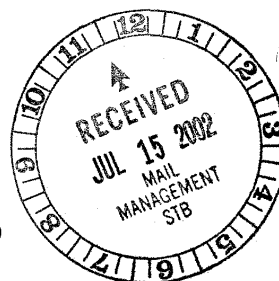
Part of
Public Record

Natalie S. Rosenberg
Counsel
500 Water Street J150
Jacksonville, FL 32202
(904) 359-1253

Counsel for
CSX TRANSPORTATION, INC.

DATED: JULY 12, 2002

BEFORE THE
SURFACE TRANSPORTATION BOARD



DOCKET NO. AB-55 (SUB-NO. 621X)

CSX TRANSPORTATION, INC.
ABANDONMENT IN MARION COUNTY, INDIANA

NOTICE OF EXEMPTION

CSX Transportation, Inc. ("CSXT") files this Notice of Exemption pursuant to the Board's regulations at 49 C.F.R. §1152.50. This Notice of Exemption is for abandonment of a portion of CSXT's Sequoia Supply Industrial Track extending from railroad Milepost BD-127.19 at the east side of Holmes Street (marked on the ground as Milepost BD-126.9) to railroad Milepost BD-127.80 (end of track), a distance of 0.61 miles, at Indianapolis, in Marion County, Indiana, which traverses through United States Postal Service ZIP Code 46222. The proceeding will be docketed as No. AB-55 (Sub-No. 621X). In accordance with the aforesaid regulations, CSXT makes the following responses:

RESPONSE TO 49 C.F.R. SECTION 1152.50(d)(2):

1. Proposed Consummation Date.

The proposed consummation date of this abandonment is September 13, 2002.

2. Certification Required in Section 1152.50(b).

The required certification is set forth as Exhibit B to this Notice of Exemption.

3. Information required in Section 1152.22(a)(1-4),
(7), (8) and (e)(4).

(a) General.

(1) Exact name of applicant.

CSX Transportation, Inc.

(2) Whether applicant is a common carrier by railroad subject to the Interstate Commerce Act.

CSXT is a common carrier by railroad subject to the Interstate Commerce Act.

(3) Relief sought (abandonment of line or discontinuance of operations).

CSXT seeks authority to abandon the line.

(4) Detailed map of the line.

Maps are attached hereto as Exhibit A.

(7) Name, title and address of representative of applicant to whom correspondence should be sent.

Natalie S. Rosenberg
Counsel
CSX Transportation, Inc.
500 Water Street J150
Jacksonville, FL 32202

(8) United States Postal Service Zip Codes that the line traverses.

Zip Code 46222

(e) Rural and community impact.

- (4) Statement of whether the properties proposed to be abandoned are suitable for use for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

The properties proposed for abandonment may be suitable for other public purposes, but may be subject to reversionary interests that would affect transfer of title for other than rail purposes.

4. The Level of Labor Protection.

CSXT understands that, in exempting the proposed abandonment, the Board does not relieve a carrier of its statutory obligation to protect the interests of employees. See 49 C.F.R. Section 1152.50(c). Accordingly, CSXT anticipates that the Board will impose the conditions set forth in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979), for the benefit of any carrier employee who may be adversely affected by the proposed abandonment.

5. Certificate of Compliance With the Notice Requirements of Section 1152.50(d)(1).

The required certificate is set forth as Exhibit C to this Notice of Exemption.

6. Environmental Report and Historic Report.

The Environmental Report required by 49 C.F.R. 1105.7 and the Historic Report required by 49 C.F.R. 1105.8 are attached as Exhibits D and E, respectively, to this Notice of Exemption. Attached as Exhibit F is a certificate showing CSXT's compliance with 49 C.F.R. 1105.11.


7. Newspaper Notice.

The Newspaper Notice required by 49 C.F.R. 1105.12 was published in the Indianapolis Star, Indianapolis, Indiana on July 11, 2002. An affidavit of publication from this newspaper will be forwarded to the Board as soon as it is received by CSXT.

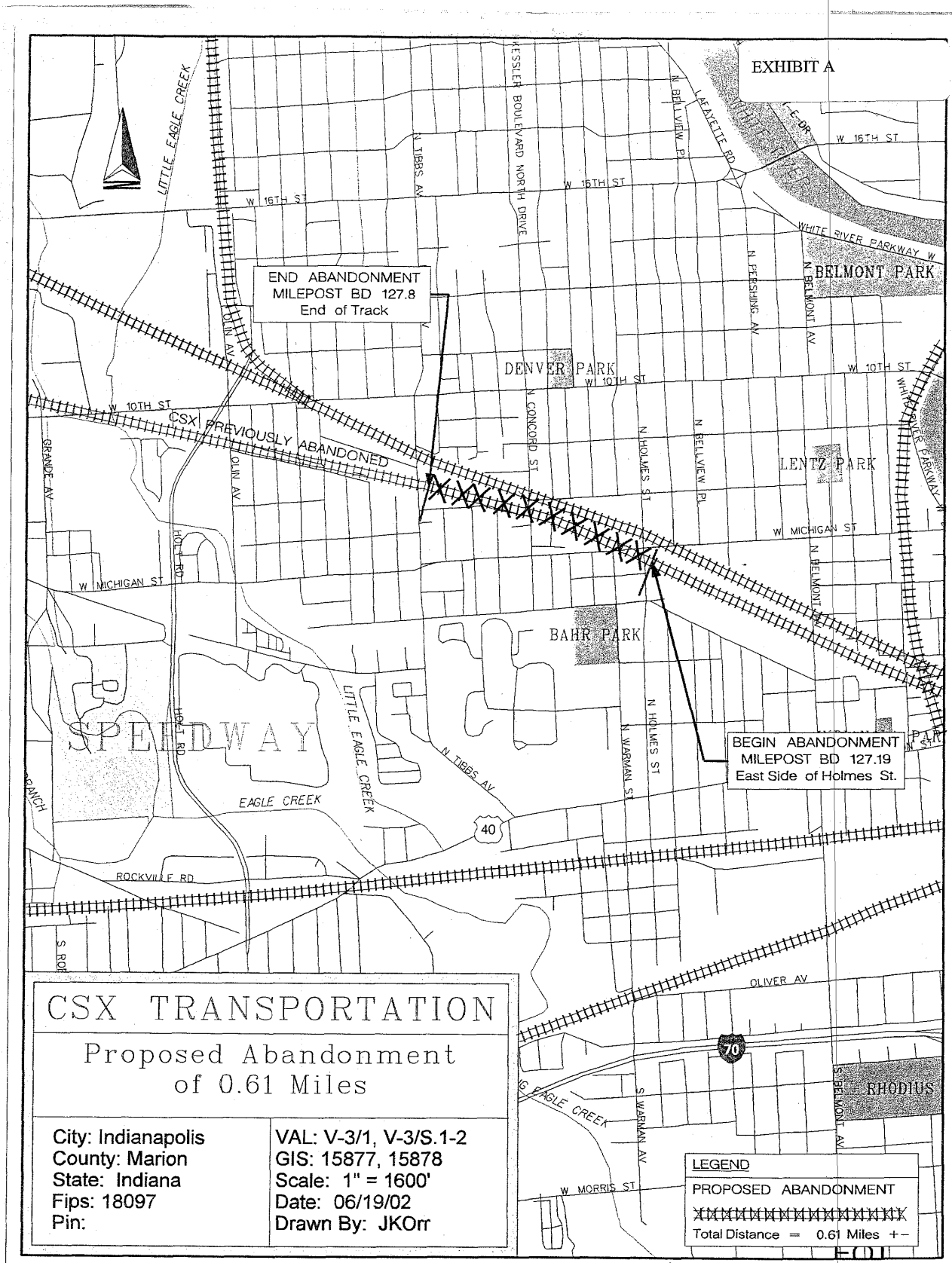
8. Verification.

The required verification is set forth as Exhibit G to this Notice of Exemption.

Respectfully submitted,


Natalie S. Rosenberg
Counsel
500 Water Street J150
Jacksonville, FL 32202

DATED: July 12, 2002





AREA MAP
STATE OF INDIANA
Proposed Abandonment -
0.61 Miles
Marion County
Indianapolis, IN

WESTERN REGION - GREAT LAKES & LOUISVILLE DIVISIONS - INDIANAPOLIS SUBDIVISION

EXHIBIT B

CERTIFICATION REQUIRED
IN 49 C.F.R. SECTION 1152.50(B)

In accordance with 49 C.F.R. Section 1152.50(b), I hereby certify that, with respect to the line subject to the Notice of Exemption in Docket No. AB-55 (Sub-No. 621X): (1) no local traffic has moved over the line for at least two years prior to the date hereof; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or state or local government agency acting on behalf of such user) regarding cessation of service over the line is either pending with the Board or any U. S. District Court or has been decided in favor of a complainant within the two-year period prior to the date hereof. The foregoing certification is made on behalf of CSX Transportation, Inc. by the undersigned after due and careful investigation of the matters herein certified and based on the best knowledge, information and belief of the undersigned.


Heidi D. Bash

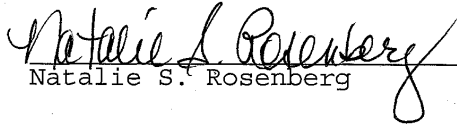
Dated: 7/9/02

EXHIBIT C

CERTIFICATE OF COMPLIANCE
WITH NOTICE REQUIREMENTS OF
49 C.F.R. 1152.50(d)(1)

In accordance with 49 C.F.R. §1152.50(d)(2), I hereby certify that:

On June 28, 2002, I caused to be served by U.S. first-class mail, postage prepaid, the notice required by 49 C.F.R. §1152.50(d)(1), upon the Railroad Section Manager of the Indiana Department of Transportation, the Military Traffic Management Command of the U.S. Department of Defense, the National Park Service, Land Resources and Recreation Resources Divisions, and the U. S. Department of Agriculture.


Natalie S. Rosenberg

Dated: July 12, 2002

ENVIRONMENTAL REPORT

**CSX TRANSPORTATION, INC.
INDIANAPOLIS, MARION COUNTY, INDIANA
DOCKET AB-55 (SUB-NO. 621X)**

The following information is provided in accordance with 49 C.F.R. Section 1105.7:

(1) PROPOSED ACTION AND ALTERNATIVES

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

CSX Transportation, Inc. (CSXT) proposes to abandon 0.61 of a mile of its rail line in Indianapolis, Marion County, Indiana. This portion of the line has not generated any traffic during the past two years. BBC Pump & Equipment Co., Inc. recently located on this portion of the line but no new rail-oriented business is expected to develop. Previous commodities shipped over this portion of the line were wallboard and other building materials.

Abandonment of this line will result in the removal of the rail, crossties, and possibly the upper layer of ballast; subsequently operations and maintenance of this line will cease.

The only alternative would be not to abandon and to pass the opportunity costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

Two maps which delineate the proposed project are attached.
(See Attachments 1 and 2.)

(2) TRANSPORTATION SYSTEM

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There is no CSXT passenger or freight traffic on this segment of the line. There will be no effect on existing regional or local transportation systems or patterns.

(3) LAND USE

- (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.**

On June 25, 2002, Applicant received a response from the Neighborhood and Development Services Division for the City of Indianapolis stating that *"...the proposed abandonment of this portion of the CSX line would be consistent with the recommendations of the plan."* (See Attachment 3.) The Division of Planning for the City of Indianapolis also responded on June 25, 2002, stating *"The Comprehensive Plan does not recommend new land uses in or adjacent to this corridor that would be dependent on rail service."* (See Attachment 4.)

- (ii) Based on consultation with the Natural Resources Conservation Service (formerly known as U. S. Soil Conservation Service), state the effect of the proposed action on any prime agricultural land.**

Applicant has not yet received a response to its inquiry of June 6, 2002 to the U. S. Department of Agriculture, Natural Resources Conservation Service for Marion County, Indiana seeking information regarding this statement. While some prime farmland may exist in the vicinity of this project, Applicant feels that the simple removal of track material should not have an adverse impact. (See Attachment 5.)

- (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9.**

On June 10, 2002, Applicant received an electronic mail response from the Lake Michigan Coastal Program under the Indiana Department of Natural Resources stating that *"The Marion County project mentioned in your letter of June 6th occurs outside the Coastal Program Area and would most likely not affect resources in the Coastal Program Area."* (See Attachment 6.)

- (iv) If the proposed action is an abandonment, state whether or not the right of way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.

The property proposed to be abandoned may be suitable for other public purposes, but may be subject to reversionary interest that may affect transfer of title for other than rail purposes. However, there has been no interest expressed in the property by any party to use the right of way for other public purposes.

(4) ENERGY

- (i) Describe the effect of the proposed action on transportation of energy resources.

The proposed action will have no effect on the transportation of energy resources.

- (ii) Describe the effect of the proposed action on recyclable commodities.

The proposed action will have no effect on the movement and/or recovery of recyclable commodities.

- (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

The proposed action will not result in an increase or decrease in overall energy efficiency.

- (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

There will be no diversion of rail traffic to motor carriage.

(5) AIR

- (i) If the proposed action will result in either: (A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at

least 100% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The above thresholds will not be exceeded.

- (ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act; and will it result in either: (A) an increase in rail traffic of a least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or (B) an increase in rail yard activity of a least 20% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

The above thresholds will not be exceeded.

- (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity, the frequency of service; safety practices (including any speed restriction); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Not applicable.

(6) NOISE

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more, or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

The above thresholds will not be exceeded.

(7) SAFETY

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

Applicant believes that the abandonment will result in improvement to public health and safety by the elimination of three grade crossings.

- (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

Not applicable.

- (iii) If there are any known hazardous waste sites or sites where there have been known hazardous material spills on the right of way, identify the location of those sites and the types of hazardous materials involved.

Applicant's records do not indicate any hazardous waste sites or sites where there have been hazardous material spills on this line segment.

(8) BIOLOGICAL RESOURCES

- (i) Based on consultation with the U. S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

On June 18, 2002, Applicant received a response from the U. S. Department of the Interior, Fish and Wildlife Service at Bloomington, Indiana stating that *"The proposed project will have no significant effect on wetlands and will not affect Federally endangered species."* (See Attachment 7.)

- (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Based upon Applicant's review of the area, the line is not within any wildlife sanctuaries or refuges, National or State parks or forests.

(9) WATER

- (i) Based on consultation with State water quality officials, state whether

the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

Applicant has not received a response to its inquiry of June 6, 2002 to the Indiana Department of Environmental Quality in Indianapolis, Indiana seeking information regarding this statement. (See Attachment 8.)

Applicant does not contemplate any action known to be inconsistent with Federal, State and/or local water quality standards. Any necessary permits or applications will be obtained as well as compliance with conditions or procedures required by regulatory agencies.

- (ii) **Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.**

Applicant has not received a response to its inquiry of June 6, 2002 to the U. S. Army Corps of Engineers at Louisville, Kentucky seeking information regarding this statement. (See Attachment 9.)

Upon receiving abandonment authority, removal of material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. We do not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way nor be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. Based upon this course of action, Applicant does not believe a permit under Section 404 of the Clean Water Act will be required.

Applicant is not aware of any designated 100-year flood plains within the proposed project. On June 18, 2002, Applicant received a response from the U. S. Department of the Interior, Fish and Wildlife Service at Bloomington,

Indiana stating that *"The proposed project will have no significant effect on wetlands....."* (See Attachment 7.)

- (iii) **State whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U. S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).**

Applicant has not received a response to its inquiry of June 6, 2002 to the U.S. Environmental Protection Agency, Region 5, Chicago, Illinois and the Indiana Department of Environmental Quality in Indianapolis, Indiana seeking information regarding this statement. (See Attachment 8.)

However, based on the course of action described in Section 9 (ii) above, Applicant does not believe a permit under Section 402 of the Clean Water Act will be required.

10. MITIGATION

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

There will be no adverse environmental impacts in the project area as a result of this abandonment; therefore, mitigating action will not be necessary.



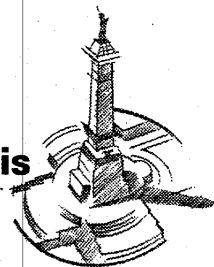
AREA MAP
STATE OF INDIANA
Proposed Abandonment -
0.61 Miles
Marion County
Indianapolis, IN

WESTERN REGION - GREAT LAKES & LOUISVILLE DIVISIONS - INDIANAPOLIS SUBDIVISION

Attachment 3

Nancy B. Reynolds
Manager Line Transactions
Asset Management
CSX Transportation
500 Water Street – J200
Jacksonville, FL 32202

City of
Indianapolis
Bart Peterson, Mayor



June 25, 2002

Ms. Reynolds:

I received a copy of your letter, dated June 21, 2002 regarding the abandonment of a 0.61 mile portion of a CSX line (Docket # AB-55). I am responding to your request (Attachment 3), which indicates that you need information about the impact of the proposed abandonment on the adopted land use plans for the area. According to the existing comprehensive land use plan, a public linear park is proposed for this site as well as the remainder of this rail corridor through Wayne Township. The current zoning of this site is D-5 and I-3-U. Therefore, the proposed abandonment of this portion of the CSX line would be consistent with the recommendations of the plan. The Division of Planning is also beginning to work on the update on the Comprehensive Plan for Wayne Township. If you have additional questions about the Comprehensive Plan Update, you should contact Keith Holdsworth at 327-5114.

Sincerely,

A handwritten signature in black ink that reads "Larry W. Williams, AICP".

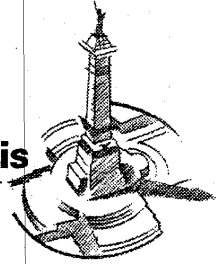
Larry W. Williams, AICP
Principal Planner

**Department of Metropolitan Development
Neighborhood and Development Services Division**

2041 City County Building
200 East Washington Street
Indianapolis, Indiana 46204

(317) 327-5155
(fax) 327-7883
(TDD) 327-5186
indygov.org

City of
Indianapolis
Bart Peterson, Mayor



June 25, 2002

Ms. Nancy B. Reynolds
Manager Line Transactions
Asset Management
CSX Transportation
500 Water Street - J200
Jacksonville FL 32202

Dear Ms. Reynolds:

I received copies of your letters of June 6 and 21, 2002 regarding possible abandonment of a portion of CSX rail line on the west side of Indianapolis. The line in question is located in eastern Wayne Township, between Tibbs Ave. and Belmont Ave.

The City of Indianapolis Comprehensive Plan makes recommendations for the subject area through four plan segments:

- Wayne Township Comprehensive Plan - 1993 (narrative and map)
- Nearwestside Housing Improvement and Neighborhood Plan
- Indianapolis Greenways Plan 1994
- Indianapolis Greenways Plan 2002

I enclose a copy of the Wayne Township Comprehensive Plan. I enclose copy of the relevant text of the 1994 Greenways Plan. The Indianapolis Greenways Plan 2002 is being readied for printing.

Wayne Township Comprehensive Plan (1993)

The land use plan recommends a "proposed linear park" land use over the Baltimore and Ohio (B&O) corridor throughout Wayne Township, including the subject segment. The plan narrative also classifies this corridor as "Critical Area 2", see pages 28-31. Part of the rail corridor was already abandoned at the time this plan was prepared, with active use only in the eastern portion. The critical area designations were applied to land use recommendations that warranted more detailed explanations. The plan emphasized that critical areas be developed as recommended.

Nearwestside Housing Improvement and Neighborhood Plan (1994)

This plan assumed the continuation of rail service and recommended light or heavy industrial land use within and adjoining much of the rail right of way. The plan emphasized revitalization of the neighborhood housing stock. The plan did not reexamine other land use and infrastructure recommendations or critical area elements that were contained in the 1993 Wayne Township plan.

Department of Metropolitan Development
Division of Planning

1841 City County Building
200 East Washington Street
Indianapolis, Indiana 46204

(317) 327-5151
(fax) 327-5103
(TDD) 327-5186
indygov.org

Indianapolis Greenways Plan 1994

This plan recommended the development of a greenway trail from Concord Street westward for the B&O corridor.

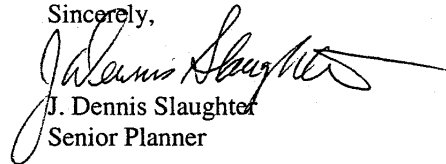
Indianapolis Greenways Plan 2002

The Indianapolis Parks Department updated the original greenway plan in 2002. The update affirms plans to develop the B&O Rail Corridor as a greenway trail.

With the exception of the Nearwestside Housing Improvement and Neighborhood Plan, these plan segments anticipate additional abandonment of this line and recommend new uses are a linear park and greenway. The Comprehensive Plan does not recommend new land uses in or adjacent to this corridor that would be dependent on rail service.

Please call me if you have any questions on these Comprehensive Plan segments or if I can provide you with any other information.

Sincerely,


J. Dennis Slaughter
Senior Planner

JDS/jds

Enclosures

Cc: Keith Holdsworth, Principal Planner
Steven Cunningham, Senior Planner
Don Colvin, Principal Planner, Department of Parks and Recreation

Attachment 5



Nancy B. Reynolds
Manager Line Transactions
Asset Management

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-1424
FAX: (904) 359-1111
E-Mail: Nancy_Reynolds@csx.com

June 6, 2002

Mr. William H. Harting, Soil Conservationist
Natural Resources Conservation Service
6960 S. Gray Road, Suite C
Indianapolis, IN 46237-3237

Dear Mr. Harting:

Please be advised that CSX Transportation, Inc. ("CSXT") is considering abandonment of a portion of its rail line in Indianapolis, Marion County, Indiana, as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3)(ii) require that we develop a response to the following statement:

"Based on consultation with the Natural Resources Conservation Service,
state the effect of the proposed action on any prime agricultural land."

Please advise if any of the land contiguous to the rail line in the project area is classified as prime agriculture land.

Sincerely,

A handwritten signature in black ink that reads "Nancy B. Reynolds". The signature is written in a cursive style with a large, stylized "N" and "R".

Attachment

From: Laurie Rounds [lrounds@dnr.state.in.us]
Sent: Monday, June 10, 2002 4:20 PM
To: Reynolds, Nancy
Subject: Indiana CZM

Ms. Reynolds:

Thank you for your inquiry about the Indiana Lake Michigan Coastal Program and Federal Consistency. The Indiana Coastal Program Area, or Coastal Zone, includes those portions of Lake, Porter, and LaPorte Counties within the Lake Michigan watershed. The Marion County project mentioned in your letter of June 6th occurs outside the Coastal Program Area and would most likely not affect resources in the Coastal Program Area.

Please feel free to contact me with any additional questions.

Laurie

Laurie Rounds
Program Manager
Indiana Department of Natural Resources
Lake Michigan Coastal Program



United States Department of the Interior

FISH AND WILDLIFE SERVICE

BLOOMINGTON FIELD OFFICE (ES)

620 South Walker Street

Bloomington, IN 47403-2121

(812) 334-4261 FAX (812) 334-4273



Attachment 7

June 18, 2002

Ms. Nancy B. Reynolds
CSX Transportation
500 Water Street - J200
Jacksonville, FL 32202

Project No: Abandonment of a portion of rail line in Indianapolis
County(ies): Marion

Dear Ms. Reynolds:

This responds to your letter dated June 6, 2002, requesting our comments on the aforementioned project.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et. seq.) and are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U. S. Fish and Wildlife Service's Mitigation Policy.

The proposed project will have no significant effect on wetlands and will not affect any Federally endangered species. Other project impacts will be minor in nature. Based on a review of the information you provided, the U.S. Fish and Wildlife Service has no objections to the project as currently proposed.

We appreciate the opportunity to comment at this early stage of project planning. If project plans change such that fish and wildlife habitat may be affected, please recoordinate with our office as soon as possible. If you have any questions about our recommendations, please call (812) 334-4261.

Sincerely yours,

Scott E. Pruitt,
Field Supervisor

Attachment 8



Nancy B. Reynolds
Manager Line Transactions
Asset Management

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-1424
FAX: (904) 359-1111
E-Mail: Nancy_Reynolds@csx.com

June 6, 2002

U. S. Environmental Protection Agency
Region 5
77 West Jackson Blvd.
Chicago, IL 60604-3507

Indiana Dept. of Environmental Management
Indiana Government Center
100 North Senate Avenue - P. O. Box 6015
Indianapolis, IN 46204

Gentlemen:

Please be advised that CSX Transportation, Inc. ("CSXT") is considering abandonment of a portion of its rail line in Indianapolis, Marion County, Indiana, as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that we develop a response to the following statements:

- (i) "Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies."
- (iii) "State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action."

There are no refueling or maintenance areas within the project area. The removal of the rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. We do not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, we would appreciate receiving your concurrence with CSXT's position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in dark ink that reads "Nancy B. Reynolds". The signature is written in a cursive, flowing style.

Attachment

Attachment 9



Nancy B. Reynolds
Manager Line Transactions
Asset Management

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-1424
FAX: (904) 359-1111
E-Mail: Nancy_Reynolds@csx.com

June 6, 2002

Mr. Doug Shelton, Chief - North Section
Regulatory Branch
U. S. Army Corps of Engineers
Louisville Engineer District
P.O. Box 59
Louisville, KY 40201-0059

Dear Mr. Shelton:

Please be advised that CSX Transportation, Inc. ("CSXT") is considering abandonment of a portion of its rail line in Indianapolis, Marion County, Indiana, as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(9)(ii) require that we develop a response to the following statement:

"Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100 year flood plains will be affected. Describe the effects."

It is our opinion that there will be no impact on designated wetlands or 100-year flood plains because our intent at this time is to only remove the metal track material, crossties and perhaps the upper layer of ballast, and to preserve the existing routes of water flow and drainage. We do not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil, and we do not anticipate any dredging or use of fill in the removal of the track material. The track removal will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways.

Based upon the above described actions, we would appreciate your concurrence in CSXT's position that there would be no adverse impact on wetlands or 100-year flood plains, and that no permits under Section 404 will be required.

We would appreciate your comments; and, if you have any questions, please feel free to call me.

Sincerely,

A handwritten signature in dark ink that reads "Nancy B. Reynolds". The signature is written in a cursive style with a large, stylized initial "N".

Attachment

HISTORIC REPORT

CSX TRANSPORTATION, INC.
INDIANAPOLIS, MARION COUNTY, INDIANA
DOCKET AB-55 (SUB-NO. 621X)

1105.7(e)(1)

PROPOSED ACTION AND ALTERNATIVES. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable detailed map and drawings clearly delineating the project.

CSX Transportation, Inc. (CSXT) proposes to abandon 0.61 of a mile of its rail line in Indianapolis, Marion County, Indiana. This portion of the line has not generated any traffic during the past two years. BBC Pump & Equipment Co., Inc. recently located on this portion of the line but no new rail-oriented business is expected to develop. Previous commodities shipped over this portion of the line were wallboard and other building materials.

Abandonment of this line will result in the removal of the rail, crossties, and possibly the upper layer of ballast; and operations and maintenance of this line will cease.

The only alternative would be not to abandon and to pass the opportunity costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

Two maps which delineate the proposed project are attached. (See Attachments 1 and 2.)

1105.8(d)

- (1) **A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.**

Attached is a copy of the 1967 (Photorevised 1980) Indianapolis West, Indiana Quadrangle topographic map prepared by the U. S. Department of Interior Geological Survey. The line to be abandoned has been identified by a heavy black and white diagonal line. There are no CSXT-owned structures 50 years old or older that are part of the proposed action that are eligible for listing in the National Register. (See Attachment 3.)

- (2) **A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristic of the surrounding area:**

The right of way width along this line is between 35 feet and 50 feet from the centerline of track and is located within the City limits of Indianapolis, Indiana.

- (3) **Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:**

There are no CSXT-owned structures that are 50 years old or older.

- (4) **The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known:**

Not applicable.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

The property for this line segment was acquired between 1879 and 1880 by the Indianapolis, Decatur and Springfield Railroad Company to complete a line of railroad running west from Indianapolis to Springfield, Illinois.

A merger of the Indianapolis, Decatur and Springfield with the Cincinnati, Hamilton and Indianapolis (a 99-mile road running east from Indianapolis to Hamilton, Ohio) created the main line for The Cincinnati, Indianapolis and Western Railroad Company (CI&W). The CI&W was incorporated in the State of Indiana on October 30, 1915, and consisted of a 296-mile main line from Hamilton, Ohio (24 miles north of Cincinnati) via Indianapolis to Springfield, Illinois. In 1926, the former Interstate Commerce Commission approved the purchase by the Baltimore and Ohio Railroad Company (B&O) of 96 percent of the capital stock of the CI&W. The stock was acquired, and the line became part of the B&O system in 1927.

On February 26, 1973, the Chessie System Inc. was formed, and Chessie System Railroads was adopted as the new corporate identity for the C&O, B&O, and WM railroads. On November 1, 1980, Seaboard Coast Line Industries, Inc. and Chessie System Inc. merged and became CSX Corporation. On April 30, 1987, the Baltimore & Ohio Railroad Company was merged into the Chesapeake and Ohio Railway Company. The Chesapeake and Ohio Railway Company was merged into CSX Transportation on September 2, 1987.

Upon receiving abandonment authority, Applicant's operations and maintenance over this line will cease.

- (6) **A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:**

Not applicable.

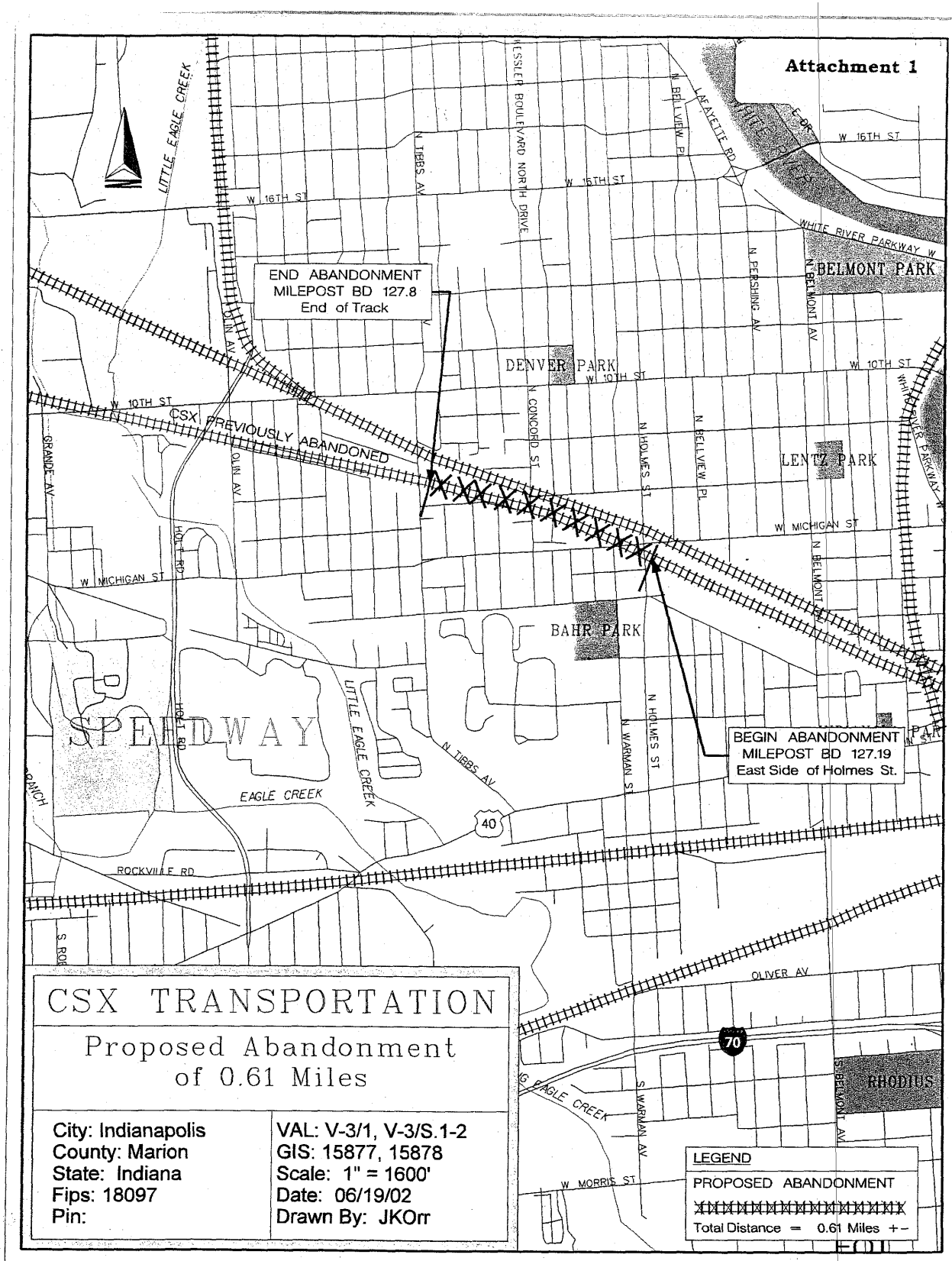
- (7) **An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):**

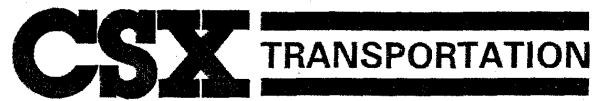
A review of our records indicates there are no CSXT-owned structures over 50 years old on this line segment that are eligible for listing in the National Register.

We do not know of any archeological resources or any other previously unknown historic properties in the project area.

- (8) **A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or man-made) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.**

The line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed project area would have been affected at that time versus during the proposed salvage operations associated with rail removal. Our records do not indicate that any swampy conditions exist, or that any hazardous material spills have occurred within the project area.





AREA MAP
STATE OF INDIANA
Proposed Abandonment -
0.61 Miles
Marion County
Indianapolis, IN

WESTERN REGION - GREAT LAKES & LOUISVILLE DIVISIONS - INDIANAPOLIS SUBDIVISION

U. S. DEPT. OF THE INTERIOR
QUADRANGLE GEOLOGICAL SURVEY

INDIANAPOLIS WEST QUADRANGLE
Indiana, Marion County
1967 - Photorevised 1980
Page 1 of 1

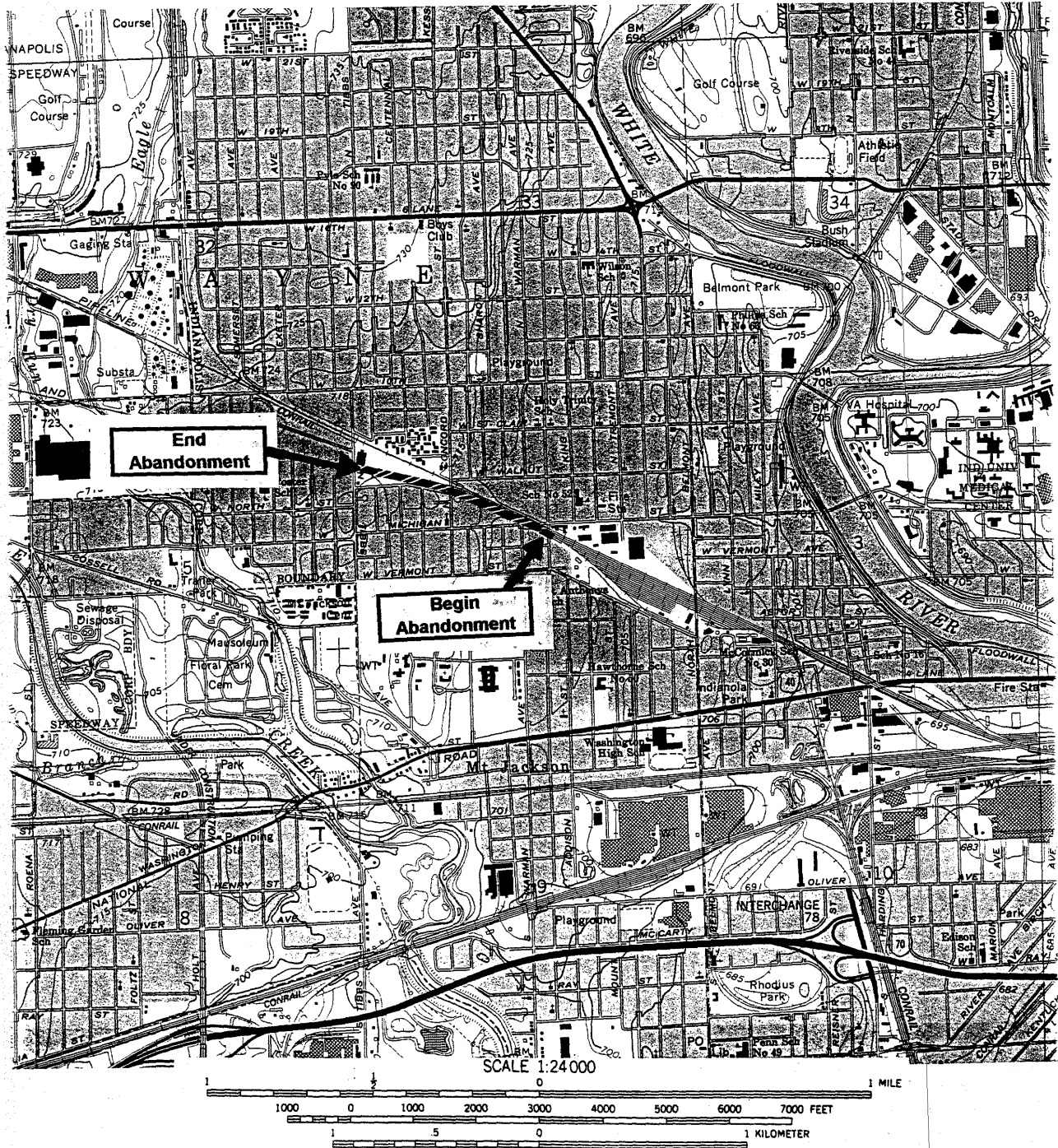


EXHIBIT F

CERTIFICATE OF COMPLIANCE
WITH NOTICE REQUIREMENTS OF
49 C.F.R. 1105.11

In accordance with 49 C.F.R. §1105.7(b), I hereby certify that on June 21, 2002, a copy of the Environmental Report was served upon the below listed parties, by first-class mail, postage prepaid:

Department of Metropolitan Development
City of Indianapolis, Indiana
City-County Building - Room 2041
200 East Washington Street
Indianapolis, IN 46204

Marion County Planning Commission
City-County Building, - Room 2500
200 East Washington Street
Indianapolis, IN 46204

Indiana Department of Environmental Management
Indiana Government Center
100 North Senate Avenue-P. O. Box 6015
Indianapolis, IN 46206-6015

Mr. Scott E. Pruitt, Field Supervisor
U. S. Department of the Interior
Fish & Wildlife Service
620 South Walker Street
Bloomington, IN 47403-2121

Mr. Doug Shelton, Chief - North Section
Regulatory Branch
U.S. Army Corps of Engineers
Louisville Engineer District
P. O. Box 59
Louisville, KY 40201-0059

Mr. William H. Harting, Soil Conservationist
Natural Resources Conservation Service
6960 S. Gray Road, Suite C
Indianapolis, IN 46237-3237

Ms. Betty Cockrum, Budget Director
State Budget Agency
212 State House
Indianapolis, IN 46204

U.S. Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, IL 60604

Regional Director - Midwest Region
National Park Service
1709 Jackson Street
Omaha, NE 68102

Ms. Laurie Rounds, Program Manager
Lake Michigan Coastal Program
Indiana Department of Natural Resources
402 West Washington Street, Room W-264
Indianapolis, IN 46204-2748

Mr. Michael Scime
Railroad Section Manager
Indiana Department of Transportation
Multimodal Division
100 North Senate Avenue, Room N-901
Indianapolis, IN 46204

Mr. Edward J. McKay
Chief Spatial Reference System Division
DOC/NOAA
National Geodetic Survey N/NGS2
1315 East West Highway, Room 8813
Silver Spring, MD 20910-3282

In accordance with 49 C.F.R. 1105.8(c), I hereby certify that on June 21, 2002 a copy of the Historic Report was served upon the below listed party, by first-class mail, postage prepaid:

Mr. James A. Glass
Asst. to State Historic Preservation Officer
Division of Historic Preservation & Archaeology
402 West Washington Street, Room W-274
Indianapolis, IN 46204


Natalie S. Rosenberg

Dated: July 12, 2002

EXHIBIT G

VERIFICATION

STATE OF FLORIDA)
)
DUVAL COUNTY)

B. J. League, being duly sworn, states that she is Assistant Vice President-Asset Management of CSX Transportation, Inc.; that she is authorized to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in Docket No. AB-55 (Sub-No. 621X) on behalf of CSX Transportation, Inc.; that she has carefully examined all of the statements in the Notice of Exemption; that she has knowledge of the facts and matters relied upon in the Notice of Exemption; and that all representations set forth therein are true and correct to the best of her knowledge, information and belief.

B.J. League
B. J. LEAGUE

Subscribed and sworn to
before me, a Notary Public
in and for the State and
County above named, this
11th day of July, 2002.

Linda C. Farrok
Notary Public

My Commission Expires: _____

